THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 1252 of 2006.

Sh. Anil Mungali S/O late Sh. Bhuwan Chandar Mungali, R/O Bhawani Ganj, Haldwani, District Nainital.

... **Petitioner.**

Vs.

1. State of Uttaranchal through Secretary, Revenue, Civil Secretariat, Dehradun.
2. Pargana Adhikari, Pali Ranikhet, District Almora, Uttaranchal.
3. Regional Manager, Uttar Pradesh Financial Corporation, 5/222, Canal Road, Tikonia, Haldwani, District Nainital Uttaranchal.

... **Respondents.**

Sri M.C. Bansal, learned counsel for the petitioner.
Sri R.C.Arya, Learned Standing Counsel for the State-respondents.
Sri Naresh Pant, Adv., learned counsel for the respondent no.3.

Date September 06, 2006

P.C.: Hon'ble B.S.Verma, J.

Heard learned counsel for both the parties and perused the record.

The petitioner has filed this writ petition for setting aside the order dated 4.8.1992 passed by Sub Divisional Officer, Pali (Ranikhet) under Section 202 of the Land Revenue Act (as contained in Annexure No.4 to the writ petition).

Learned counsel for the petitioner has submitted that there is mandatory provision under Section 202 of the Land Revenue Act that prior notice to the party concerned is necessary before passing the order impugned and according to him, only then correction can be order or omission can be corrected by the Officer concerned within a period of 90 days of passing of defective order either on his own motion or on the application of the parties. It has been contended that

in the present case, the application for correction of order was moved by the State Government after a lapse of 90 days.

In the course of argument, the learned counsel for the petitioner has made a request that the matter is very urgent and the entry in the revenue record has been corrected without notice to the petitioner and this fact came to the notice of the petitioner only on 3-5-2006. After collecting necessary papers, the petitioner has preferred the present writ petition. Indisputably, question of jurisdiction is involved. According to the petitioner, the order passed by the Officer concerned is without jurisdiction and against the provision of Section 202 of the Land Revenue itself.

The petitioner has alternate remedy to prefer the revision. Question of jurisdiction and other grounds, which have been raised in the writ petition, can be taken in the revision petition before the Commissioner under Section 219 of the Land Revenue Act.

In the facts and circumstances of the case, I am not inclined to entertain the writ petition. However, it is provided that if a revision is preferred by the petitioner, the same shall be decided by the Court concerned within a period of four months from the date of filing of the revision and the revisional Court shall decide the revision on merit after hearing both the parties.

With the aforesaid observations, the writ petition is dismissed in limine.

(B.S.Verma, J.)

RCP